

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

RINAT HAFIZOV,

*Plaintiff,*

v.

BDO USA, LLP, JANET BERNIER and  
MATTHEW DYMENT, in their individual  
and professional capacities,

---

*Defendants.*

Case No.: 1:22-cv-08853

**AFFIDAVIT OF JIN SHI IN SUPPORT OF  
DEFENDANT’S SURREPLY TO PLAINTIFF’S MOTION TO COMPEL**

I, Jin Shi, hereby state under penalty of perjury as follows:

1. My name is Jin Shi, and the matters set forth herein are based on my personal knowledge.
2. I am currently a Senior Manager at BDO, USA, P.A. (“BDO”) within the State and Local Tax practice (“SALT”).
3. I have been employed by BDO for approximately 8 years.
4. During the entirety of my employment at BDO, I worked directly under Janet Bernier (“Ms. Bernier”).
5. I am an Asian woman and identify as a minority. During my 8 years at BDO, I have never witnessed, heard about, or personally experienced any conduct that could be described as discriminatory, retaliatory, or creating a hostile work environment. In my experience, employees working within BDO’s SALT team under Ms. Bernier are treated respectfully and equally, regardless of their background, nationality, ethnicity, race, or religion.
6. The New York SALT team is diverse, and includes employees of numerous nationalities, ethnicities, races, and religions. Ms. Bernier has facilitated and supported the creation of

a diverse group within the New York SALT team, and has fostered a welcoming, inclusive, and supportive environment.

7. Ms. Bernier is approachable and creates a healthy working relationship with all of the employees with whom she works. Ms. Bernier makes herself available to discuss any actual or potential issues with the employees on the SALT team. Many members of the SALT team who have voluntarily resigned from BDO choose to stay in contact with Ms. Bernier following their departure from the company, which I believe speaks to Ms. Bernier's collegial and supportive nature.
8. BDO and Ms. Bernier frequently make accommodations to ensure that Jewish members of the SALT team feel comfortable within the workplace. For instance, kosher meals and snacks are provided to Jewish SALT team members, and SALT team members are permitted to request time off for religious holidays and observances. Specifically, BDO permits Jewish employees to leave work early on Friday for the purpose of observing Shabbat. SALT team members Marc Wegh and Joshua Radbill ("Mr. Radbill") were permitted to leave early on Friday afternoons in order to observe Shabbat and did not face any repercussions for doing so.
9. I have never witnessed or heard Ms. Bernier make disparaging comments regarding employees' nationalities, ethnicities, races, or religions. Specifically, I have never witnessed or heard Ms. Bernier make any disparaging comments regarding Jewish or Russian individuals. Ms. Bernier is respectful of Jewish employees who require accommodations to observe Shabbat and does not make any denigrating or derogatory comments about employees who choose to do so.

10. Mr. Radbill had originally worked as an intern within the SALT team, and was later hired as a full-time employee. Mr. Radbill sat next to me during the time of his employment on the SALT team. During Mr. Radbill's employment, I never witnessed or heard about Ms. Bernier making disparaging or derogatory comments to or regarding his religion, Shabbat observance, or any other characteristics. Mr. Radbill was treated with professional respect and courtesy by Ms. Bernier and other BDO employees.
11. I worked with Andrew Greiner ("Mr. Greiner") on the SALT team for approximately 7 to 8 months, prior to his voluntary resignation. I never witnessed or heard about Ms. Bernier making disparaging or derogatory comments to or regarding Mr. Greiner. Mr. Greiner too was treated with professional respect and courtesy by Ms. Bernier and other BDO employees. Mr. Greiner never told me that Ms. Bernier made any comments that were discriminatory or disparaging about any employee's religious accommodation or otherwise.
12. I worked with Rinat Hafizov ("Mr. Hafizov") on the SALT team for approximately 3 years, from May 2019 until May 2022.
13. Upon information and belief, Mr. Hafizov is not Jewish nor does he observe Shabbat.
14. During Mr. Hafizov's time at BDO, he was treated with professional respect and courtesy by Ms. Bernier and other BDO employees. I never witnessed or heard about Ms. Bernier making disparaging or derogatory comments to or regarding Mr. Hafizov based on Mr. Hafizov's Russian national origin, background, or any other characteristic. I have never heard Ms. Bernier or anyone else refer to Mr. Hafizov's office as "Siberia."
15. In fact, prior to learning of the present legal action, I have never heard any complaints that Mr. Hafizov suffered discrimination or retaliation at all during his time at BDO. Learning

about Mr. Hafizov's allegations caught me by surprise, because I occasionally attended social events with Mr. Hafizov outside of the office, and he never mentioned that he had felt discriminated or retaliated against at BDO.

16. Mr. Hafizov performed below expectations while working at BDO. For instance, he often produced work product containing numerous errors that needed to be fixed by myself and others before sending to our clients. On one specific occasion in which Mr. Hafizov needed to prepare a memorandum for submission to a client, I had to repeatedly follow up with Mr. Hafizov over the course of 2 to 3 months before he finally completed the memorandum. I raised concerns regarding Mr. Hafizov's performance to David Ratnarajah, a BDO Managing Director in the SALT practice in the New York office.

I declare under penalty of perjury that the foregoing is true and correct.



---

JIN SHI

07/18/2023

---

Date